

MINUTES OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS JR., et al v. TECK COMINCO ALASKA INCORPORATED,  
et al

THE HONORABLE JOHN W. SEDWICK CASE NO. 3:04-cv-00049-JWS

Deputy Clerk

Robin M. Carter

APPEARANCES: for PLAINTIFF: ----

for DEFENDANT: ----

PROCEEDINGS: **ORDER FROM CHAMBERS**

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The court has reviewed the status report at docket 141. The report indicates that the parties are looking at a mediation in late October or early November 2006. The report also indicates that if there were a single trial on all remaining issues, the parties estimate that trial would require ten to eleven weeks (i.e., nearly three months). The parties estimate that even a separate liability trial would require six weeks. Given the difficulty entailed in finding space on the court's docket for such a lengthy trial, the court concludes that it should not set a trial date until it has learned the outcome of any mediation which the parties may conduct. Even if mediation failed to resolve all outstanding issues, it might resolve enough to substantially reduce the time which would be required for trial of the remainder.

Counsel shall file an updated status report within 10 days of the earlier of (a) a final decision that there will be no mediation, or (b) the conclusion of the mediation. The updated report should address the then current state of the matters discussed in the report at docket 141.

It the parties agree to mediate, but the mediation has not been completed by December 1, 2006, the parties shall file a report indicating the status of the mediation proceeding not later than December 8, 2006.

DATE: September 13, 2006

ENTERED AT JUDGE'S DIRECTION  
INITIALS: rmc  
Deputy Clerk